

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DEREK RUNION and FLORIDA CAPITAL  
ASSETS, LLC,

Plaintiffs,

v.

Case No. 2:20-cv-00718-JLB-MRM

PAUL BERNARD, IBEX ENERGY, INC.,  
and JOHN BIALLAS,

Defendants.

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**ORDER**

Defendants move to dismiss Plaintiffs' amended complaint with prejudice, and Plaintiffs have not responded or requested an extension of time. (Docs. 37, 39.) The response deadline lapsed a month ago. Local Rule 3.01(c). Defendants moved to dismiss the initial complaint as a shotgun pleading, (Doc. 25), but Plaintiffs' amended complaint mooted that motion. Defendants argue that the amended complaint is a shotgun pleading for the same reasons as the first complaint. (Doc. 39 at 5–6.) Before the Court rules on the merits of Defendants' unopposed motion, Plaintiffs are **ORDERED** to show cause **no later than February 22, 2021**, why the motion should not be granted, and this case **dismissed with prejudice**.

**ORDERED** in Fort Myers, Florida, on February 12, 2021.



JOHN L. BADALAMENTI  
UNITED STATES DISTRICT JUDGE